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Intellectual Property Causes
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IFW

Attorney Docket No. P25117

In re application of: Eiju KOMURO et al.

Application No. : 10/811,812

Mail Stop Amendment
 Group Art Unit: 1765

Filed : March 30, 2004

Examiner: Anita ALANKO

For : METHOD OF MANUFACTURING A PIEZOELECTRIC THIN FILM RESONATOR,
 MANUFACTURING APPARATUS FOR A PIEZOELECTRIC THIN FILM RESONATOR,
 PIEZOELECTRIC THIN FILM RESONATOR, AND ELECTRONIC COMPONENT

Mail Stop Amendment

Commissioner for Patents
 U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Sir:

Transmitted herewith is an **Election with Traverse** in the above-captioned application.

Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

A Request for Extension of Time.

No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 17	20	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 2	3	0	x 44=	\$	x 88=	\$0.00
Multiple Dependent Claims Presented			+150=	\$	+300=	\$0.00
Extension Fees for ____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

* If less than 20, write 20

** If less than 3, write 3

Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A check in the amount of \$_____ to cover the filing/extension fee is included.

The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

William S. Boshnick
 Reg. No. 44,550

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : Eiju KOMURO et al.

Group Art Unit : 1765

Appl. No. : 10/811,812

Examiner : Anita ALANKO

Filed : March 30, 2004

Confirmation No. : 2851

For : METHOD OF MANUFACTURING A PIEZOELECTRIC THIN FILM RESONATOR, MANUFACTURING APPARATUS FOR A PIEZOELECTRIC THIN FILM RESONATOR, PIEZOELECTRIC THIN FILM RESONATOR, AND ELECTRONIC COMPONENT

ELECTION WITH TRAVERSE

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AMENDMENT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir :

In response to the Examiner's restriction requirement of February 21, 2006, the time set for response being one month from the mailing date from the U.S. Patent and Trademark Office, *i.e.*, March 21, 2006, Applicants hereby elect the invention of Group III, including claims 8-17. The above election is made with traverse for the reasons set forth hereinbelow.

In the Official Action of February 21, 2006, the Examiner indicated that claims 1-17 were subject to restriction under 35 U.S.C. § 121. The Examiner restricted the claimed invention into Group I, including claims 1-5, drawn to a method, classified in class 216, subclass 2+; Group II, including claims 6-7, drawn to an apparatus, classified in class 156, subclass 345+; and Group III, including claims 8-17, drawn to a product, classified in class 332, subclass 1+.

The Examiner asserted that the inventions of Groups I and III were related as process of making and product made, and that the inventions are distinct from each other under M.P.E.P. § 806.05(f) because “the product can be made by a different method such as by using selective deposition instead of etching.”

The Examiner also asserted that the inventions of Groups I and II were related as process and apparatus for its practice, and that the inventions are distinct from each other under MPEP §806.05(e) because “the apparatus can be used to practice a different process such as making a different device, for example an ink jet printhead or a semiconductor device.”

Applicants respectfully traverse the Examiner’s restriction requirement. Initially, Applicants note that elected claims 8-17 depend (directly or indirectly) from independent claim 1, which is included in non-elected group I.

While the Examiner has alleged a possible distinction between the three identified groups of the invention, the Examiner has not shown that a concurrent examination of these groups would present a “serious burden” on the Examiner.

Applicants respectfully submit that the Examiner has further failed to provide an “appropriate explanation” of any such burden, as set forth in M.P.E.P. § 803. That is, according to M.P.E.P. § 803, “an appropriate explanation” must be advanced by the Examiner as to the existence of a “serious burden” if the restriction requirement were not required.

Thus, Applicants submit that no undue or serious burden would be presented in concurrently examining Groups I, II and III. Therefore, consistent with the office policy set forth in M.P.E.P. § 803, Applicants respectfully request

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that the Examiner reconsider and withdraw the restriction requirement in this application.

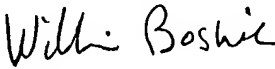
For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicants have elected, with traverse, the invention defined by Group III, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

STATEMENT OF SUBSTANCE OF INTERVIEW

Further to a telephonic interview between the Examiner and Applicants' Representative, Attorney William Boshnick, the Examiner indicated that in view of the Preliminary Amendment filed concurrently with the present application which was not considered by the Examiner in the Restriction Requirement of January 16, 2006, a new Restriction Requirement (*i.e.*, the present outstanding Restriction Requirement) would be forthcoming. Applicants appreciate the Examiner's consideration in this regard

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
Eiju KOMURO et al.

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William Boshnick
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March 14, 2006
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